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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**LISA WINEGARDNER
a.k.a. Lisa A. Winegardner
a.k.a. Lisa A. Bronemann
341 W. Graves Avenue
Orange City, FL 32763**

Registered Nurse License No. 596597

RESPONDENT

Case No. 2012-256

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 24, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-256 against Lisa Winegardner (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about March 22, 2002, the Board of Registered Nursing (Board) issued Registered Nurse License No. 596597 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on September 30, 2005 and has not been renewed.

3. On or about October 24, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-256, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

341 W. Graves Avenue

Orange City, FL 32763.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about November 7, 2011, the Certified Mail documents were returned, and on
5 November 8, 2011, the First Class Mail documents were returned, both marked by the U.S. Postal
6 Service, "Not Deliverable as Addressed." The address on the documents was the same as the
7 address on file with the Board. Respondent failed to maintain an updated address with the Board
8 and the Board has made attempts to serve the Respondent at the address on file. Respondent has
9 not made herself available for service and therefore, has not availed herself of her right to file a
10 notice of defense and appear at hearing.

11 6. Business and Professions Code section 2764 states:

12 The lapsing or suspension of a license by operation of law or by order or decision of
13 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
14 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
15 against such license, or to render a decision suspending or revoking such license.

16 7. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
18 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
19 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
20 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

21 8. Respondent failed to file a Notice of Defense within 15 days after service of
22 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
23 No. 2012-256.

24 9. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
26 agency may take action based upon the respondent's express admissions or upon other evidence
27 and affidavits may be used as evidence without any notice to respondent.
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1 10. Pursuant to its authority under Government Code section 11520, the Board after
2 having reviewed the proof of service dated October 24, 2011, signed by Beth Scott, and finds
3 Respondent is in default. The Board will take action without further hearing and, based on
4 Accusation No. 2012-256 and the documents contained in Default Decision Investigatory
5 Evidence Packet in this matter which includes:

6 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2012-256,
7 Statement to Respondent, Notice of Defense (two blank copies), Request
8 for Discovery and Discovery Statutes (Government Code sections
9 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
10 receipt or copy of returned mail envelopes;

11 Exhibit 2: License History Certification for Lisa Winegardner, Registered Nurse
12 License No. 596597;

13 Exhibit 3: Out of State Discipline (Florida Board of Nursing - Case No. 2009-22066
14 and 2005-61648)

15 Exhibit 4: Declaration of costs by Office of the Attorney General for prosecution of
16 Case No. 2012-256

17 The Board finds that the charges and allegations in Accusation No. 2012-256 are separately and
18 severally true and correct by clear and convincing evidence.

19 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
20 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
21 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
22 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
23 \$1,077.50 as of February 7, 2012.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Lisa Winegardner has subjected
3 her following license(s) to discipline:

4 a. Registered Nurse License No. 596597

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)
7 based upon the following violations alleged in the Accusation, which are supported by the
8 evidence contained in the Default Decision Investigatory Evidence Packet in this case.

9 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
10 action by another State Board of Nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 596597, heretofore issued to Respondent Lisa Winegardner, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 17, 2012.

It is so ORDERED July 20, 2012



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-256

Exhibit A

Accusation No. 2012-256

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2012-256*

13 **LISA WINEGARDNER, a.k.a. LISA A.**
14 **WINEGARDNER, a.k.a. LISA A.**
15 **BRONEMANN**
16 **341 W. Graves Avenue**
17 **Orange City, FL 32763**
18 **Registered Nurse License No. 596597**

A C C U S A T I O N

Respondent.

19 Complainant alleges:

PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 22, 2002, the Board of Registered Nursing issued Registered
24 Nurse License Number 596597 to Lisa Winegardner, also known as Lisa A. Winegardner, also
25 known as Lisa A. Bronemann (Respondent). The Registered Nurse License expired on
26 September 30, 2005, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

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1 the Florida Department of Health (Florida Department), signed by Respondent on or about March
2 20, 2007. The Settlement Agreement reprimanded Respondent and required her to submit to an
3 evaluation coordinated by the Intervention Project for Nurses (IPN) within 60 days of entry of the
4 Final Order adopting the Settlement Agreement. The IPN is the impaired nurses program for the
5 Florida Board of Nursing and it monitors the evaluation, care, and treatment of impaired nurses.
6 The IPN also provides for the exchange of information between treatment providers and the
7 Florida Department in order to protect the public. The Settlement Agreement provided that if
8 Respondent failed to submit to the IPN evaluation, her license to practice nursing in the State of
9 Florida would be suspended immediately. Following the evaluation, if Respondent was
10 determined to be in need of monitoring or treatment, the Settlement Agreement required her to
11 enter into and comply with all conditions of the IPN advocacy contract. If Respondent was not in
12 need of monitoring or treatment and the IPN was determined unsuitable, no further action would
13 be required. Respondent executed the Settlement Agreement in order to avoid further
14 administrative action by the Florida Board regarding the acts specifically set forth in the Florida
15 Department's Administrative Complaint, filed on or about June 2, 2006.

16 13. The Florida Board's disciplinary action was based upon the Florida Department's
17 Administrative Complaint, filed on or about June 2, 2006, which alleged that on or about August
18 16, 2005, Respondent submitted to a pre-employment drug screen required by her new employer.
19 On or about August 22, 2005, Respondent's employer received the drug test results, which
20 indicated that Respondent tested positive for Cocaine.

21 SECOND CAUSE FOR DISCIPLINE
22 (Unprofessional Conduct – Out of State Discipline)
23 (Bus. & Prof. Code § 2761, subd. (a)(4))

24 14. Complainant hereby realleges the allegations contained in paragraphs 12 and 13
25 above, and incorporates them as if fully set forth here.

26 15. Respondent has subjected her registered nurse license to discipline under Code
27 section 2761, subdivision (a)(4), in that on or about July 8, 2010, in a disciplinary action before
28 the Florida Board, Case No. 2009-22066, the Florida Board entered a Final Order approving and

1 adopting the Settlement Agreement between Respondent and the Florida Department, signed by
2 Respondent on or about March 1, 2010. The Settlement Agreement reprimanded Respondent and
3 revoked her Florida registered nurse license until she entered into the IPN and complied with all
4 terms and conditions imposed by the IPN. At such time, the revocation of her license would be
5 stayed and would remain stayed as long as she participated in the IPN. Any violation of the IPN
6 advocacy contract by Respondent would result in the immediate lifting of the stay of revocation.
7 Respondent executed the Settlement Agreement in order to avoid further administrative action by
8 the Florida Board regarding the acts specifically set forth in the Florida Department's
9 Administrative Complaint (Complaint), filed on or about February 19, 2010.

10 16. The Florida Board's disciplinary action was based upon the Florida Department's
11 Complaint, filed on or about February 19, 2010, which alleged that on or about January 4, 2008,
12 Respondent entered into an advocacy contract with the IPN. On or about March 19, 2009,
13 Respondent submitted to a urine drug screen which returned positive for Cocaine. On or about
14 April 15, 2009, Respondent submitted to a urine drug screen which returned positive for Cocaine.
15 The Complaint further alleged that on or about July 9, 2009, Respondent was evaluated by
16 Raymond Johnson, M.D., an addiction medicine specialist. Dr. Johnson diagnosed Respondent
17 with Cocaine dependency. The Complaint also alleged that on or about October 12, 2009, and
18 again on October 14, 2009, Respondent submitted to urine drug screens, and the results the tests
19 were determined to be invalid. On or about October 29, 2009, Respondent was dismissed from
20 the IPN due to noncompliance with the IPN advocacy contract. Finally, the Complaint alleged
21 that on or about November 3, 2009, in the County Court of Sarasota County, Florida, Case No.
22 2009-MM-13473, Respondent entered a plea of nolo contendere to the crime of "Petit Theft."

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
25 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 596597, issued to Lisa
27 Winegardner, also known as Lisa A. Winegardner, also known as Lisa A. Bronemann;
28

2. Ordering Lisa Winegardner, also known as Lisa A. Winegardner, also known as Lisa A. Bronemann to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

October 24 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN

Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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